REMARKS

This amendment, submitted in response to the Office Action dated May 22, 2003, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-13 are now all of the claims pending in the application. The Examiner rejected claim 5 under 35 U.S.C. § 101 maintaining that the claimed subject matter is directed to non-statutory subject matter. The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 4, 5 and 8 have been objected to because of informalities. Claims 1-9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Berry et al. (USP 5,692,205) in view of Bugaj 'Synchronized Multimedia Integration Language (SMIL) 1.0 Specification', and further in view of Seok Yun, 'Synchronization Attributes and Rules of Active Object-Oriented Database for Multimedia Presentation'. Applicant submits the following in response to the rejections and objections.

Applicant respectfully submits that the Examiner's Section 101 rejection is improper. The Examiner reasoned that the claimed subject matter is directed to non-statutory subject matter in that the body of the claim fails to recite a functional interrelationship between data elements within the multimedia document resulting in data per se. The basis of the Examiner's reasoning is unclear to the Applicant, since the Examiner merely reiterated the language of MPEP 2106 (IV)(B)(1)(a) and provided no other reasoning.

The Examiner stated that the body of the claim fails to recite a functional

interrelationship between data elements within the multimedia document results in data per se.

Therefore, it appears that the Examiner is indicating that the elements have a function and that it

is merely unclear as to the interrelationship between the functions of the elements. Applicant

submits that when functional descriptive material is recorded on some computer-readable

medium it becomes structurally and functionally interrelated to the medium and will be statutory

in most cases since use of technology permits the function of the descriptive material to be

realized. MPEP 2106.

Besides, a computer readable medium is a statutory manufacture even if the medium has

no data at all. It is impossible to understand how adding material to an article that is per se

statutory can somehow remove the article from the realm of patentability. This is clearly not the

law.

If the Examiner still maintains the rejection, Applicant respectfully requests that the

rejection be clarified or that the Examiner make a recommendation as to how the rejection can be

removed.

Objection to claims 1, 4, 5, and 8

The Examiner has objected to claims 1, 4, and 8 for informalities. Claims 1, 4 and 8 have

been amended as indicated in the Appendix, and should now be in patentable form.

The Examiner has objected to claim 5 stating that it is unclear whether claim 5 is a

dependent or an independent claim. Applicant submits that claim 5 is an independent claim,

therefore 2 independent claims were initially filed in the application. Since the statutory fee

entitles the Applicant to 3 independent claims, no fees are necessary at this time. In addition,

Applicant is filing a request for a corrected Office Filing Receipt, in conjunction with this

Amendment, to indicate the correct number of independent claims as filed.

Rejection of claims 1-9 under 37 C.F.R. § 103(a)

The Examiner has rejected claims 1-9 as being unpatentable over a combination of Berry,

Bugaj, and Yun.

Claim 1

The Examiner maintains Berry discloses a method and system for providing selectable

multimedia presentations within an object oriented user interface by means of diverse user

selectable data views of each object.

The Examiner concedes Berry does not disclose a multimedia document being made up

of a hierarchically-organized set of elements and cites Bugaj to cure the deficiency. The

Examiner additionally states that the combination of Berry and Bugaj would be obvious because

it would have provided the benefit of allowing the user proficient control over media elements.

Applicant submits that the basis for the Examiner's rejection is rather unclear since pages

1-6 of Bugaj were generally cited without any reference to particular elements of those pages.

To the best of Applicant's interpretation of the Examiner's arguments, it appears the Examiner is

referring to the "head" element containing "layout", "meta" and "switch" for children for

teaching a multimedia document being made up of a hierarchically-organized set of elements.

Applicant submits that the inheritance aspects of Bugaj could not be combined with the multimedia document of Berry to arrive at claim 1. In particular, there is no motivating reason for Berry to contain the inheritance characteristics of Bugaj. For example, there would be no reason why a user would desire that polymorphic object 34 of Berry contain or have attributes similar to polymorphic object 36, since they each pertain to different songs. A user would not want the lyrics of polymorphic object 34 of Silent Night to appear if the polymorphic object 38 of Deck the Halls was selected. Therefore, the hierarchical organization of elements in Bugaj, as cited by the Examiner would not be combined with Berry.

The Examiner concedes neither Berry nor Bugaj teach event-condition-actions (ECA) related to the attributes of a multimedia document and cites Yun to cure this deficiency. The Examiner additionally cited Bugaj for teaching attributes of elements in a multimedia document.

In Bugaj, an element begins when an event occurs. The beginning of an event is not dependent upon a condition being satisfied. Therefore, the Examiner cited Yun to cure the deficiency. The Examiner maintains it would have been obvious to combine the ECA rules of Yun in which an event triggers a rule, a condition describing a given situation and an action to be performed if the condition is satisfied, with Berry and Bugaj.

Applicant submits that the Examiner's reasoning is merely a result of impermissible hindsight. It is apparent upon viewing Bugaj, that a clear layout and format for an SMIL document is provided. Requiring a condition check, is an extra step requiring a reprogramming and restructuring of the multimedia documents of Berry and Bugaj. Therefore, there would be

no reason to place a condition check on the multimedia documents of Berry and Bugaj and the Examiner's reasoning is merely a result of hindsight upon viewing the Applicant's invention.

For the above reasons, claim 1 and its dependent claims should be deemed patentable. Since claim 5 teaches similar elements, claim 5 and its dependent claims are patentable for the same reasons.

Claim 2

Claim 2 describes a multimedia document including a portion describing the elements and a portion describing the formalisms and that the association between the elements and formalisms are established by identifiers. The Examiner maintains that in Bugaj, the attribute uniquely identifies an element within a document and its value is an XML identifier.

Assuming Bugaj teaches an identifier, the identifier does not establish an association between the elements and the formalisms, as described in claim 2. The id attribute of Bugaj merely identifies an element within a document and does not establish an association between the elements and the formalisms. The Examiner maintains that the identification of elements associated with formalisms is made obvious by a combination of Bugaj and Yun. However, the Examiner's argument is clearly a result of hindsight. The Examiner is creating a completely different multimedia document by implementing the features necessary to establish the claims of the present invention with the prior art. The prior art would require substantial reconstruction and reorganization which evidences the Examiner's hindsight.

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In addition, there does not appear to be a reason for applying the ECA formalisms of

Yun with Bugaj. In particular, Bugaj sets out parameters for the beginning of an event, such that

the elements generating an event, must be within a certain scope. Page 11. Therefore, since

Bugaj teaches parameters necessary to begin an event for an element, there is no reason to apply

the ECA formalisms of Yun.

Moreover, the Examiner has failed to establish where the references disclose a portion of

the multimedia document describing the formalisms, as described in claim 2. Since the

Examiner has failed to establish all of the claims in the prior art, the Examiner has failed to meet

the burden of establishing prima facie obviousness and claim 2 should be deemed patentable.

Claim 3

The Examiner maintains Bugaj teaches XML documents and that the combination of

Bugaj and Berry would have been obvious because it would have provided a well-structured

document within a data processing system.

Claim 3 does not merely describe that the description language is XML, but that the

description language comply with the XML recommendation of the WC3, as further defined in

newly added claim 9. The Examiner has not established that the description language of Bugaj

complies with the XML recommendation of the WC3. Since the Examiner has not established

that all of the elements of the claim are taught in the prior art, claim 3 should be deemed

patentable.

Claim 4

The Examiner applied the same rejection for both claims 4 and 5, although the claims teach different elements. It appears that the Examiner made an error and no rejection was provided for claim 4.

Regardless, none of the references, alone or in combination, teach a condition constituted by a logic expression associating status values relating to various elements and the references do not teach a status which describe the states of the various portions of the document. Therefore, claim 4 should be deemed patentable. Since claim 8 teaches similar features, it is patentable for the same reasons.

In addition, since the Examiner has failed to provide an argument with respect to claim 4, any subsequent Office Action should be made on a non-final basis or claim 4 should be deemed allowable.

The Applicant would also bring to the Examiner's attention that the Examiner maintained that since claims 6-9 recite limitations similar to claims 1-3, they are rejected for the same reasons. Applicant submits there is no originally-filed claim 9, and therefore, the Examiner's rejection of claim 9 is moot.

For the above reasons, claims 1-8 should be deemed patentable.

Applicant has added claims 9-13 to further define the present invention. Claim 9 further describes the XML description language, claim 10 further describes the status of an element, claims 11 and 12 further describe a composite element, and claim 13 describes links in the

multimedia document. No new matter is raised and support can be found throughout the specification. The newly added claims should be deemed patentable by virtue of their dependency to patentable claim 1 as discussed above.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
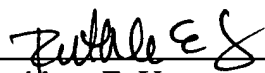
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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PATENT TRADEMARK OFFICE

Ruthleen E. Uy
Registration No. 51,361

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